REMARKS

Claims 64-114 are pending.

Claims 64, 84, 103, 113, and 114 are amended, adding the element: "wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session." Support for this amendment is found, for example, on page 2, line 26 through page 3, line 7. No new matter has been added.

Claims 77-81, 96-100, and 109-112 are amended to correct a typographical error.

The remaining claims are unchanged.

Claim Rejections under 35 U.S.C. §102

Claims 64-78, 82-97, 101-109, and 113-114 were rejected under 35 U.S.C. §102(e) as being anticipated by Cannon et al., US Patent Application Publication No. 2002/0183105 (Cannon).

Applicants respectfully request that the Examiner withdraw the outstanding rejection in view of the amendments and the following remarks. Reconsideration is respectfully requested.

As amended claim 64 recites a gaming device operable to "control a wager based-based game played on the gaming device." The gaming device may enter into a first lockup mode, "wherein the first lockup mode is associated with the first active gaming session." (Claim 64). In the first lockup mode, a second active gaming session may be initiated. (Claim 64). The "outcome in the first active gaming session is independent of an outcome in the second active gaming session." (Claim 64).

Cannon describes a gaming machine which is "configured for mutually concurrent play of a plurality of games of chance on a single display screen." (Abstract). In Cannon, a game with a specific outcome may be "locked up" and the player "given a predetermined number of plays . . . or predetermined time period . . . in which to achieve a specific outcome in at least one of the remaining games." (Paragraph 0129). "A player able to achieve required specific outcomes in all of the initially displayed games in individual gaming windows 88 may be provided with a 'grand prize' or other appropriate award." (Paragraph 0129). Thus, the games on the gaming machine in Cannon are "interactive" – the outcome of one game is dependent on the outcome of another game. (Paragraph 0129). This interactivity is explicitly stated in Cannon; see, for example, the last sentence of paragraph 0129, which describes "interactive outcomes."

Cannon also describes examples and further features of "locking up" a gaming machine in paragraphs 0130 and 0144. In all of the descriptions in Cannon of locking up a gaming machine, the outcome of the first game always depends on the outcome of a second game.

This is not the case for the gaming device recited in claim 64, in which the "outcome in the first active gaming session is independent of an outcome in the second active gaming session." Previously, for example, when a player won a jackpot or other large payout determination in a game, the entire gaming apparatus was disabled. (Page 1, lines 8-9). The player then had "to wait [e.g., 5-30 minutes] for an attendant to re-enable or reset the gaming apparatus to allow the player to continue playing a game on the gaming apparatus." (Page 1, lines 11-20). Now, with the gaming device recited in claim 64, when a first active gaming session at the device is locked up due to an event, a player may initiate a second active gaming session and play a second game at the gaming device while waiting for an attendant. Unlike the gaming machine described in Cannon, the outcome of the first game is independent of the outcome of the second game. In the example given above, the player will keep the jackpot or other large payout determination regardless of the outcome of the second game.

Page 2 of the Office Action states that the "secondary game is not independent of the primary game since the initiation of the secondary game depends on the outcome of the primary game." While Applicants respectfully disagree with this characterization of the dependence of the primary and secondary game, it is clear in as amended claim 64 that the outcomes of the first and second game are independent.

Thus, as explained above, Cannon fails to describe the feature of "wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session." (Claim 64). Claim 64 is patentable for at least this reason. Independent claims 84, 103, 113, and 114 incorporate a similar feature, and are patentable for at least the same reason.

Dependent claims 65-78, 82, 83, 85-97, 101, 102, and 104-109 incorporate the features of the independent claims on which they dependent. These dependent claims are patentable for at least the reasons given above.

Claim Rejections under 35 U.S.C. §103

Claims 79-81, 98-100, and 110-112 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cannon.

As explained above, Cannon fails to describe the feature of "wherein an outcome in the first active gaming session is independent of an outcome in the second active gaming session." (Claim 64). The independent claims on which claims 79-81, 98-100, and 110-112 depend include this feature. Claims 79-81, 98-100, and 110-112 are patentable for at least this reason.

Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorneys at (510) 663-1100.

Applicants do not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 504480 (Order No. IGT1P471).

Respectfully submitted,
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